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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|---|-------------|----------------------|-------------------------|------------------|--|
| 10/646,663 | 08/21/2003 | Katsuhiro Onuki | 1-16254 | 9930 | |
| 7590 05/03/2004 MARSHALL & MELHORN, LLC | | | EXAMINER | | |
| | | | KING, BRADLEY T | | |
| PHILLIP S. OBERLIN 8TH FLOOR | | | ART UNIT | PAPER NUMBER | |
| FOUR SEAGATE | | | 3683 | | |
| TOLEDO, OH 43604 | | | DATE MAILED: 05/03/2004 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | Application N . | Applicant(s) | | |
|--|--|--|---|-------------------|----------|
| Office Action Summary | | 10/646,663 | ONUKI ET AL. | | 1 |
| | | Examiner | Art Unit | i | |
| | | Bradley T King | 3683 | (| |
| Period f | The MAILING DATE f this communication a r Reply | ppears on the cover sheet with the | e correspondence add | dress | . |
| THE - External after - If the - If NC - Failu Any (| ORTENED STATUTORY PERIOD FOR REP MAILING DATE OF THIS COMMUNICATION nsions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reperiod for reply is specified above, the maximum statutory perior to reply within the set or extended period for reply will, by statically received by the Office later than three months after the mained patent term adjustment. See 37 CFR 1.704(b). | 1. 1.136(a). In no event, however, may a reply be eply within the statutory minimum of thirty (30) old will apply and will expire SIX (6) MONTHS frute, cause the application to become ABANDO | timely filed days will be considered timely om the mailing date of this co NED (35 U.S.C. § 133). | : mmunication. | |
| Status | | | | | |
| 1)□ | Responsive to communication(s) filed on | <u></u> . | | | |
| 2a) <u></u> | This action is FINAL . 2b)⊠ Tr | nis action is non-final. | | | |
| 3)□ | Since this application is in condition for allow closed in accordance with the practice under | | | merits is | |
| Dispositi | on of Claims | | | | |
| 5) 6) 7) | Claim(s) 1-10 is/are pending in the application 4a) Of the above claim(s) is/are withdred Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and | rawn from consideration. | | | |
| Applicati | on Papers | | | | |
| 9)[| The specification is objected to by the Exami | ner. | | | |
| 10) | The drawing(s) filed on is/are: a) ad | ccepted or b) objected to by the | e Examiner. | | |
| | Applicant may not request that any objection to the | • | , , | | |
| 11) | Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the | • | • | • • | |
| Priority ι | inder 35 U.S.C. § 119 None | | | | |
| 12) <u> </u> | Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume application from the International Bure See the attached detailed Office action for a list | nts have been received. nts have been received in Application in the contract of the contract | ation No ived in this National S | Stage | - |
| Attachmen | , , | »□ · • | (070 442) | | |
| | e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) | 4) 🔲 Interview Summa Paper No(s)/Mail | | | |
| 3) 🔲 Infor | mation Disclosure Statement(s) (PTO-1449 or PTO/SB/0 r No(s)/Mail Date | | Il Patent Application (PTO | -152) | |

Art Unit: 3683

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I

Figures 1-4

Species II

Figure 5

Species III

Figures 6-9

Species IV

Figure 10.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 4-5 appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (703) 308-8346. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/646,663

Art Unit: 3683

BTK

DOUGLAS C. BUTLER

Page 4

PRIMARY EXAMINER

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